

CC 2011-04  
ASSIGNED 6-13-11**Yakima Police Department****Citizen Complaint Summary**

- Review this Incident.

**Incident Entered By:** LIEUTENANT THOMAS FOLEY**Incident Details**

<b>Date Received</b>	<b>Date of Occurrence</b>	<b>Tm of Occurrence</b>
6/1/2011	5/30/2011	11:00
<b>Record ID #</b>	<b>Case No</b>	<b>IA #</b>
305		

The manager of the Yakima Inn complained that on Monday May 30th. YPD Sgt Erik Hildebrand checked into room #35 at the motel. He presented his police identification and asked to use the room to "watch", as if his request was related to official police business. The motel had a history of providing rooms to the police in cooperation with police operations. Hildebrand also provided his YPD business card, on which he had written his cell phone number. He instructed the staff to use that number if they needed to call him for any reason. He did not want them to dial the room directly. He was driving a purple Impala.

The manager explained that shortly after obtaining the room, Hildebrand returned to the room with a young woman.

Later that day, an older woman, Lupe Macias who identified herself as the mother of the younger woman came to the motel to complain to the manager about her daughter having been in the motel room with an adult male and having been served alcohol. She explained that her daughter was only 18 years old. She seemed aware the man was driving the purple Impala, but unaware he was a police officer.

Hildebrand was in and out of the room throughout the day, as late as 0100hrs on Tuesday the 2nd.

On the morning of May 2nd, The housekeeper prepared to clean room #35 and found the bed had been used, which was not typical when the police need the room for an operation.

Based on the condition of the room, the allegation of alcohol use, that no other police officers had been to the room and the fact that Hildebrand had been in and out of the room throughout the day, the motel manager was concerned that the room had not been used for official police business.

She turned over the business card provided earlier by Hildebrand. She also turned over a photo copy of Lupe Macias' WA State ID card.

Ms. Macias advised that on Monday morning, she had seen her daughter return home with a man in a purple Impala and then later left with the same man. later in that same afternoon Macias found her daughter back at home and clearly under the influence of alcohol. her daughter had told her about being at the motel with the man and that he provided the alcohol.

Hildebrand's daily passon and a follow up phone conversation indicated he worked from 1300hrs on that Monday. There was no mention of any operation at the Yakima Inn.

**Incident Location**

- 1022 1st St, Suite/Apt: 35, Direction: N, Yakima, Wa 98901

**Complainant/Involved Citizen Information****Lupe Macias**

DOB: 4/13/1968 Race: Hispanic Gender: Female

YAKIMA POLICE DEPARTMENT  
INTERNAL INVESTIGATION  
RESPONSE REQUEST

TO: Sgt. P.E. Hildebrand

DATE: 6/9/11

FROM: Lieutenant Tom Foley

COMPLAINT NO CC-11-4

The Department is presently conducting an investigation into certain allegations of misconduct. These allegations stem from an incident that occurred on:

Date/Time: 5/30/11 at 1100hrs

At: Yakima Inn 1022 N. 1<sup>st</sup> St

Complainant : Patricia Ornelas & Lupe Macias

Case or Citation Number: none

Complaint: 201.5 Conduct unbecoming an officer  
201.11 (b) Abuse of Law Enforcement Powers for personal gain

**Summary of Complaint:** It is alleged that on 5/30/11 Sgt. Hildebrand secured a room at the Yakima Inn, using his police credentials to avoid paying for the room. He provided his YPD business card and department cell phone number the motel staff. He picked up a young woman walking on 3<sup>rd</sup> St. He was driving his unmarked police department vehicle. He entered the room with the female and remained for some time. When the female, a minor, returned home she was under the influence of alcohol and claimed Hildebrand supplied the alcohol she had consumed.

This alleged activity occurred while Sgt. Hildebrand was not on duty.

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Personnel Involved  
Sgt. P.E. Hildebrand

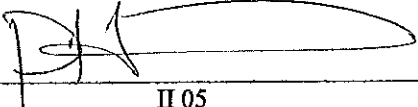
Personnel as Witnesses

Please contact Lt. Foley at his office at 1600 on 6/15/11.

All interviews will normally be conducted during your shift of duty.


All internal investigations will be conducted in accordance with Department Policy. While the investigator will advise you of a number of your administrative rights/responsibilities, you are encouraged to review the Policy prior to contacting the investigator.

PDI B7

  
\_\_\_\_\_  
II 05  
JUNE 9, 2011 1400

**YAKIMA POLICE DEPARTMENT  
INTEROFFICE MEMO**

Date: September 15, 2011

To: Lt. Foley  
From: Lt. Belles   
Subject: CC 2011-04 Notification of Resolution

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Ms. Patricia Ornelas filed a complaint that Sergeant Hildebrand appeared to have secured a motel room under a pretense of police business, then used it for improper purposes that included furnishing alcohol to a minor.

The investigation of that complaint has been conducted and a resolution has been reached.

The evidence indicated that Sergeant Hildebrand was conducting a police investigation during the incident in question. The allegation that he obtained a motel room for improper purposes under the pretense of police business and that he supplied alcohol to a minor, was not supported by the evidence.

It was determined that Sergeant Hildebrand failed to follow policy 340.3.6, which prohibits "Engaging in any serious or repeated violation of departmental safety standards or safe working practices" when he placed himself in a motel room with a female suspect for protracted periods of time without providing for either backup or notification to his command, his unit, or to other operational unit(s).

Sergeant Hildebrand received a Letter of Reprimand as a result.

C: Captain Rod Light



*City of Yakima*  
**Police Department**

200 South Third Street  
Yakima, Washington 98901

Telephone: (509) 575-6200 • Fax (509) 575-6007



September 15, 2011  
Ms. Patricia Ornelas  
1022 North 1<sup>st</sup> Street  
Yakima, Washington 98901

Reference: Complaint CC2011-04

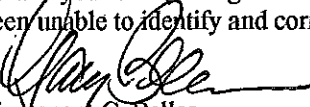
Ms. Ornelas,

The investigation into your complaint that Sergeant Hildebrand appeared to have secured a motel room under a pretense of police business, then used it for improper purposes has been concluded.

Facts considered during the review of your complaint included the information contained in your statement, information obtained during interview(s) with Sergeant Hildebrand, phone records, text message records and automated records of Sergeant Hildebrand's location during the period in question.

The evidence indicated that Sergeant Hildebrand was conducting a police investigation during the incident you reported. The allegation that he obtained a motel room for improper purposes under the pretense of police business and that he supplied alcohol to a minor, was not supported by the evidence. During the course of the internal investigation, however, other policy violations were discovered. Corrective action has been taken to assure that similar errors do not recur in the future.

I thank you for reporting this incident. If not for the information you provided, the department would have been unable to identify and correct errors that were taking place.

  
Lieutenant G. Belles

Lieutenant Gary Belles  
Office of Professional Standards  
Yakima Police Department  
200 So. 3<sup>rd</sup> Street  
Yakima, Washington 98901  
(509) 576-6547





# Memorandum

Date: June 1, 2011

TO: Lt. Foley

FROM: Captain R. Light

SUBJECT: Sgt. E. Hildebrand

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Manager Yakima Inn-Patricia Ornelas 3/21/78  
1022 N 1<sup>st</sup> St. Yakima WA.  
Ph-910-7501

On June 1, 2011 at approx 0730 hrs I was contacted by Captain Schneider who advised that he received information regarding Sgt. Hildebrand checking into the Yakima Inn motel, 1022 N. 1<sup>st</sup> St and in doing so presented some form of police identification. The manager of the motel thought it was a bit strange since a female was later seen with Hildebrand and there was some issue that there was beer in the room.

After receiving the information from Captain Schneider, I immediately went to the Yakima Inn and contacted the manager, Patricia Ornelas who reported the following. On May 30, 2011 at approx 1100 hrs, an individual presented at the hotel office and advised he needed to secure a room "to watch." Upon asking for the room, the individual identified as Sgt. Hildebrand removed his police identification from his pocket and presented it to Ornelas. Hildebrand at the time was alone and in plainclothes. Ornelas said that Hildebrand asked for a room in the back part of the complex. While securing the key to room #35, Hildebrand provided Ornelas with his business card and told her that if he needed to be contacted to call his cell phone and not the room phone. Ornelas said that Yakima officers have used a room in the past to do surveillance however there were several officers with clearly marked clothing indicating they were law enforcement. At no time did Hildebrand make a payment for the motel room. I asked Ornelas what kind of car Hildebrand was driving. She described it as a purple colored Impala with black trim. I later learned that the described vehicle is a city owned vehicle that has been issued to Hildebrand and gang enforcement team.

Ornelas said that shortly after securing the room Hildebrand left the motel property. He returned a short time later with a tall skinny female. They went into room #35 for approximately two hours. Ornelas thought it strange that if they were there to watch activity then why were the drapes tightly closed. Ornelas said that Hildebrand was in and out of the motel up to 0100 hrs Monday night.

Ornelas said that at some point Hildebrand came back to the office asking for another room key since he apparently locked himself out of the room. He was provided another key. On Tuesday around noon an angry female showed up to return the second key to room #35. Ornelas said the female who was identified as Lupe Macias kept saying that the customer who had the room was in trouble because they had Macias daughter in the room and she wasn't 21 and she was being given beer. Ornelas gave me a photo copy of Macias I.D. card stating that she had it on file since Macias has stayed at the motel in the past.

Ornelas said that on Tuesday she went into room #35 and found the bed had been used as it was messed up. Ornelas thought this was odd since she was under the assumption the room was being used by the police for official business. Once returning to the station I briefed Chief Copeland, Captain Schneider and Lt. Foley of my findings.

1 All right, appears to be recording. Ah, there's the..all right. The  
2 following interview is in regard to internal investigation number CC-  
3 11-04. The date today is June 17, 2011 at 1417 hours in Lt. Foley's  
4 office at the Yakima Police Department. The person being interviewed  
5 is ah, Sgt. Erik Hildebrand. The interviewer is Lt. Tom Foley.  
6 Persons present are Foley, Hildebrand and YPPA representative Mike  
7 Kryger.  
8  
9  
10 Q. Erik, are you aware that the interview you're about to provide  
11 is being recorded?  
12 A. Yes.  
13  
14 Q. Okay. Did you receive a copy of the form regarding your Rights  
15 and Responsibilities During Internal Investigations?  
16 A. Yes.  
17  
18 Q. Did you read and understand the form and your rights and  
19 responsibilities?  
20 A. Yes.  
21  
22 Q. Do you have any questions regarding the form or your rights or  
23 responsibilities?  
24 A. No.  
25  
26 Q. And you, you've read the complaint on the ah, response request  
27 that I gave you indicating that you had checked into a room at  
28 the Yakima Motel on Monday, May 30<sup>th</sup>, is it May 30<sup>th</sup>?  
29 A. Yes.  
30 Q. Yes.  
31  
32 Q. Yeah. Um, can you describe the circumstances regarding that?  
33 A. Yes.  
34  
35 Q. Please do.  
36 A. Okay, let me just ask Mike a quick question, do you want me to  
37 just go through like I did with you or just..  
38  
39 Q. Ju..yeah, just like that, you know, start with the, about what,  
40 what day of the week it was and..  
41 A. Okay.  
42  
43 Q. The time and..  
44 A. Okay.  
45  
46 Q. You know, just..  
47 A. So Monday..  
48  
49 Q. What, what you were doin'?

50 A. May 30<sup>th</sup> was a work day for me and for my team. I was on duty.  
51 Ah, I start at 3:00. I typically leave my house around two or  
52 so and I drive my ah, Yakima Police Department Dodge Durango.  
53 It's kind of an undercover car but yet, it's got a hard mounted  
54 radio and lights and everything and you're familiar with it.  
55 Um, on that day I was working and I had left my house and I  
56 would, I left a little earlier than I normally do um, but not  
57 much earlier, I think it was right around two or just after two.  
58 My, my route is I went down to the SWAT house, I was gonna go  
59 grab..I couldn't find my wallet and I think it, I had left it in  
60 my SWAT, in the SWAT house which I typically do. Um, but I got  
61 down there and I didn't have my SWAT keys which also happens  
62 frequently. So I came down here to grab my keys. Um, on ah, on  
63 the way from the SWAT house to the station here, I see a, a girl  
64 walking on Fruitvale and she's carrying a cup. I don't know  
65 what her name was, I didn't recognize her but she looked ah,  
66 didn't look like a prostitute or anything like that a  
67 ah..prettier girl than you would see walkin' or whatever. And I  
68 just, I, for whatever reason I remembered that and drove down  
69 here to the ah, office, went straight to the employee lot where  
70 um, I looked for my keys. Um, grabbed them, went back up 1<sup>st</sup>  
71 Street to go to the SWAT house and shot up 1<sup>st</sup> Street to I and I  
72 saw the same girl now walking south on 1<sup>st</sup> Street um, which  
73 would be almost to like the um, what's that, the Bali Hai. Just  
74 shy of the Bali Hai. Um, and I saw a white BMW like circling  
75 around her a couple times. I noticed that on my ki..and  
76 somethin' doesn't look cool here. So I actually pulled over on  
77 the east side of the street, rolled my window down. She passed  
78 by and I looked at her and I said hey, is that car harassing  
79 you. And she goes yeah. And I said do you want, do you want me  
80 to take care of it or whatever, you know, um, and she's like  
81 well, can you just give me a ride out of here. I'm like that's  
82 fine. So she comes over to the driver's side actually and, and  
83 talks to me real quick. And she goes I'm not a prostitute. I  
84 go you don't look like a prostitute. Um, and so, so I'm like  
85 okay, well, just get in and I'll give you a ride. So she walks  
86 around, she gets in the passenger side of the car and again,  
87 I've got, you know, my radio, my mikes, my business card's  
88 actually right there, the light. So I assume she would have  
89 right away been like are you a cop, you know, but she didn't say  
90 anything like that. In fact, right away, she's ah, well, first  
91 I'm like well, where do you need to go. She was can you take me  
92 to the All Star. I'm like yeah, I can take you there. So I  
93 start heading north on 1<sup>st</sup> Street or I'm waitin' to turn um,  
94 north on the 1<sup>st</sup> Street and right away she's like, you know, I'm  
95 not a prostitute, I'm not into that. I'm said, that's fine, I,



126 I understand that, I'm not lookin' for that at all. She goes  
127 but I, I, I am a druggie, I like to party, I like to get dope  
128 and um, so right away, I'm startin' to think okay, that's,  
129 that's kind of interesting, you know, either she doesn't see I'm  
130 a cop or so I'm like, I start pickin' her brain a little bit  
131 about well, who do you get hooked up with, you know, where do  
132 you get your stuff and, and she starts talking about some  
133 Nortenos and that she's, but she doesn't say that she's a  
134 Norteno gangbanger or anything like that but she talks about  
135 knowin' some of the bangers in town. So I'm thinkin' oh, cool,  
136 right on. So I get up to the All Star and I pull up to the  
137 front and she's like well, I want to get a room. I'm like okay.  
138 She goes but um, I need to go over to the Mesa ah, there's a  
139 friend of mine there that can get me a room. I'm like okay, and  
140 she..and then she's like well, maybe you can come party with me  
141 or we can, you know, we can get some shit, I'm like perfect, you  
142 know, perfect, let's do that. So I drive straight around um, to  
143 the Mesa. Ah, it's kind of on the corner on, which would be the  
144 northeast corner of the Mesa, back, the back units there. And  
145 she ah, she, out of her purse she pulls out a sticky and she  
146 writes down a, a 728 phone number. Um, writes down the name  
147 Lupe which is the gal that lives there. And she didn't refer to  
148 her as her mom or anything, I don't remember what she said and  
149 then she wrote her name down and, and I don't remember what that  
150 was. And she's like well, call me um, call me, call me back in  
151 about ten minutes or so and then you can come pick me up and we  
152 can..she's havin' to go eat, that's what it was. She says I'm  
153 gonna go eat and then you can come pick me up. I'm like  
154 perfect. So I, I leave her there. I go straight to the Yakima  
155 Inn cause we've worked with those guys and Morfin, you know,  
156 Morfin knows them more then I do but he's like hey, anytime you  
157 want to use a room, those guys are, those ah, guys are cool.  
158 I'm like perfect. I go straight into the office, I pulled out  
159 my ah, I didn't have my badge on me but I pulled out my  
160 commission card out of my back pocket, I had my radio in my  
161 hand. I walk in to the lady. I'm like do you remember me and  
162 she goes yeah and I have no idea what her name is. Um, I showed  
163 her my card. I said hey, listen, I'm trying to set somethin' up  
164 real quick, can you hook us up with a couple rooms or a room, I  
165 said, and she goes, yeah, yeah, no problem. So she grabs ah,  
166 the keys to room 35 and 26 and she walks me over to 35. Ah, a  
167 couple people just millin' around like they always are out  
168 there. I didn't recognize any of 'em. Ah, we go straight to  
169 35, she opens the door. She goes hey, the lock's, lock's not  
170 workie or whatever she said, she don't speak great English. But  
171 we go in the room, I look around, yeah, this is perfect and

142 she's trying to tell me how this is a good vantage point cause  
143 you can see all the way out to 1<sup>st</sup> Street and see the back rooms  
144 and I'm like perfect. Okay, I'm trying to set something up.  
145 Um, and she goes well, here's the, the keys to 26 which is in  
146 the front um, I never went in there, never dealt anything with  
147 that room. So I'm like perfect, thank you so much. I didn't  
148 have a business card at the time to give her my cell number or  
149 anything like that. I gave her that later on. Um, but I'm like  
150 too cool. So I zip down here, I parked the Durango, I grab the  
151 ah, we have the Chevy Impala, it doesn't have any radio or  
152 anything so, so I'm gonna go pick her back up, I don't want her  
153 to like wait a minute, you're a cop, you know.  
154

155 Q. Um-hum.

156 A. Um, I called Morfin. Um, I knew he was working on some follow-  
157 up on a robbery case of his and he's like well, I'm trying to  
158 show some montages. I was okay, well, call me back when you're  
159 done. So I zip up to the Mesa. I called the lady back ah, and  
160 I think Lupe answered and she's like well, she's gonna be having  
161 dinner for a couple hours. I'm like a couple hours, ha, you  
162 know, I'm like that's kinda crazy and she, I go can I talk to  
163 her and she goes okay. So I talked to her, I'm like hey, you  
164 want me to come back later or what's up. She's ah, no, I'll be  
165 right out. So she comes right out. She gets into the ah, the  
166 ah, Impala, she lights up a cigarette. Um, doesn't have  
167 anything in her hand this time as far as a beverage or anything.  
168 I go straight to 35. Um, go right inside of 35 and again, right  
169 away, she's like hey, I'm not a prostitute. I said ah, listen,  
170 I'm, I understand that. I want to get some shit, I want to, I  
171 want to get some dope, you know, maybe you can hook me up with  
172 the guy, you know, she used some banger's name. Ah, she busted  
173 out her phone. She showed me pictures. Ah, ah, she's all  
174 decked out in red so obviously she's tied into some Nortenos  
175 somewhere. Um, right away I started thinking that ah, her  
176 boyfriend is a guy named [REDACTED] that, that lives at the  
177 Mesa. We had investigated a shooting with him down here on  
178 South Naches ah, before this. And so I'm thinkin' okay, cool,  
179 maybe we can set him up or somethin', I don't know who her  
180 supplier is or whatever and, and she tells me how she's a doper  
181 but at the same time, she starts talking about this being a  
182 booty call and that I said, cause I asked her, I said why, why  
183 is that lady all, you know, trying to be like well, she's gonna  
184 be tired up for two hours and yada, yada, well, I just told her  
185 this is gonna be a booty call and she didn't want me to have a  
186 booty call, you know, and this and that. So I'm like okay,  
187 well, why don't you try to set somethin' up. She was well, I

188 want some alcohol. I'm like okay, well, I'll go, I'll get out  
189 of here, I'll go, I'll go take care of that. And she goes well,  
190 I want, she, she mentioned some specific drink like a hard  
191 liquor. And I remember telling her well, the, the liquor stores  
192 are closed, it's Memorial Day so they clos..so she's like, okay,  
193 well..

194

195 Q. Okay.

196 A. You know, whatever, just some beer or I said do you have a  
197 preference, no, no, no, I'm ah, okay, so I leave. I try Morfin  
198 again. He was still tied up. I'm like okay, you know, this,  
199 this doesn't look so good. Then I realize that ah, Taylor and  
200 Cays are off, they had adjusted days off because of the prior  
201 Tuesday, we had been in the Tri-Cities for training. So then  
202 I'm like okay, this ah, this ah, I'm not ah, this isn't gonna  
203 work out as far as settin' up an op, you know, just me and  
204 Morfin and Morfin's tied up on the robbery. And ah, and, and  
205 let me back up too before um, I had brought, gone to pick her up  
206 when I had switched out cars, I stopped into the manager again  
207 and I gave her my business card with my cell number on it and  
208 said listen.

209

210 Q. Okay.

211 A. We're trying to set something up in the room. Um, here's my  
212 business card with my phone number on it, you know, so you know  
213 who I am cause I don't know if you remember or whatever so but  
214 thanks and she took that. Um, so then I go back to the room and  
215 um, I'm like listen, I didn't have my ID, I couldn't get any  
216 alcohol or anything like that. I said if you get  
217 some..somethin' set up for some shit, if you score somethin',  
218 give me a call. And she's like okay, you know, and, and she ah,  
219 she said well, I got my friend so-n-so, she's suppose to come  
220 pick me up. She might try to hook somethin' up, if we can do it  
221 or whatever, ca..I'll call you. I'm like perfect and then I  
222 leave the room. I come back here and Morfin ah, we start  
223 gettin' tied up in this robbery investigation. Um, I tried  
224 callin' up there to just basically see if she had heard  
225 anything. Um, and you call like a, a tree, a phone tree thing  
226 and ah, and you put in the phone or the room number so I would  
227 try callin' room 35, never get an answer, never get an answer.  
228 Ah, her cell phone. I remember her telling me didn't have any  
229 minutes so she wasn't able to use it so I didn't have like a  
230 number to call her at. I called um, the 728 number back, the  
231 Lupe lady and I'm like hey, I'm the guy that picked up that  
232 chick, yada, yada, yada, I can't find her, you know, she's  
233 trying to hook us up with somethin' and she's like I haven't

234 seen her, I haven't heard from her or nothin'. I'm like okay,  
235 well, if she comes back, give me a call. Ah, she's got the room  
236 key, blah, blah, blah, and she's like okay. I said I'm at the  
237 Yakima Inn, blah, blah, blah. Um, never heard from her again.  
238 I tried a couple times throughout the night. Ah, we ended our  
239 shift at our normal time, 1:40 or whatever. Ah, I didn't want  
240 to go drop off the keys at that hour so the next day which was  
241 actually our day off um, I had to come down here for somethin'  
242 and I just swung by there, gave her the keys and explained to  
243 her, listen, that one chick has that one key, I don't know, I  
244 can't, I can't get her, don't know how to get it back um, and  
245 then that was that. Never had anymore conversations with this  
246 Lupe chick or never seen that girl after that um, until you  
247 served me with this which hit me like a ton of bricks and haha,  
248 I'm like holy..so, I mean, that's it in a nutshell.  
249

250 Q. Okay.

251 A. I mean ah, was my duty day. It wasn't, I don't know if it said  
252 11:00 but it was definitely between two and three that it all  
253 started out.  
254

255 Q. Okay. All right. I think, of course, you're giving an internal  
256 interview so you're talking really frickin' fast, I'm trying to  
257 keep up there.

258 A. Okay, yeah, yeah, yeah.  
259

260 Q. Hilde. But it sounds like you said that between the time you  
261 dropped her off at the Mesa cause she's gonna get something to  
262 eat and you get the room at the Yakima Inn, you give a Morfin a  
263 call?

264 A. Yeah. I'm pretty sure ah, and, you know, obviously it's been a  
265 couple weeks, I'm, I'm not 100% sure on the timeframe as far as  
266 when I called Morfin. Com..ah, and I don't know if it was on my  
267 way to the Yakima Inn or if it was from the Yakima Inn to swap  
268 out cars.  
269

270 Q. Right.

271 A. But I called Morfin at one point in all of that. I didn't like  
272 brief him up on anything. He's like hey, I'm gettin' my  
273 montages, about ready to go show 'em. So he sounded real busy.  
274 I'm like okay, well, just call me when you're done.  
275

276 Q. Okay.

277 A. And that was that.  
278

279 Q. So he didn't know what you were doin' though?

280 A. Not at all.

281

282 Q. Oh, okay. And then you, you call him again when, when you drop  
283 her off, you're gonna go make the beer run or whatever you're  
284 gonna get, you call him again?

285 A. Yeah, I tried callin' him again. And that's when I also, I  
286 think I either called Taylor or ah, realized oh, shit, Taylor,  
287 Cays are both not working. Um, so that's when I'm like okay,  
288 well, this, I don't have the manpower to do this, I'm just gonna  
289 abort this mission right now. I'll go tell her, you know, hey,  
290 I can't get the beer or whatever.

291

292 Q. Right.

293 A. And then left it at that.

294

295 Q. Okay. When you left the room, you told her hey, ah, this ain't,  
296 this ain't gonna work type thing. Did you ever go back to the  
297 motel and say hey, this gal's in the room, I'm not?

298 A. I didn't um, and my thought was if, if she does call, you know,  
299 let's say on the off hand chance she does um, I didn't wanna put  
300 my full deck of cards out and say hey, I'm a cop, you know, you  
301 need to leave.

302

303 Q. Right.

304 A. My thought was I had told her I was from out of town or  
305 somethin' and I was gonna just tell her, hey, listen, you know,  
306 work called, I got to bounce back to the westside or whatever so  
307 I'm gonna turn the keys in or whatever but I thought, I kinda  
308 wanted to leave it hanging too just in case she does happen to  
309 call and say hey ah, Beemer's on his way over with ah, you know,  
310 a, a ounce of coke or whatever and then, you know, if nothin'  
311 else, Morfin and I could look for the car and hit it or  
312 whatever. Ah, I wasn't gonna do a full blown op with it, well  
313 like we typically would but..

314

315 Q. Okay. And I don't want to weed through all the information you,  
316 did you ever ge..get a replacement key, like she seemed to  
317 indicate that you returned to the room, the chick's gone and you  
318 got another key?

319 A. You know, and that's right, and now that you said that, I  
320 thought she had given me two keys but she gave me 35 and 26.  
321 When I came back to check and see if she was there, the door was  
322 locked. Cause she had told me hey, the door doesn't work right.  
323 I'm like okay, I just won't lock the doors. The door was locked  
324 so I'm like oh, man, is she in there, is she out, I don't know,  
325 she wasn't answering the call. So yeah, that's when I went

326 back. She gave me the, the backup key and I couldn't, still  
327 couldn't open the door with it cause it just spins around and  
328 around so I told her that. So she came and twiddled it, however  
329 she did, got in. We both went like, okay, nobody's here so  
330 yeah, she did give me and that's the one I gave back to her.

331  
332 Q. Okay.

333 A. Cause I did give her the replacement key and the one key for 26  
334 the next morning.

335  
336 Q. Okay. When was the last time you were in that room?

337 A. When she, I, you know, I came back probably in, in the nighttime  
338 during the shift ah, and ah, ah, cause I had left it unlocked  
339 when she gave me a key cause I couldn't finagle the lock right.  
340 I went back one more time, opened the door. The, the, the  
341 neighbor lady, some blond chick was there and she's like, I  
342 thought, are you a cop, I'm like no. And, you know, you know,  
343 whatever, she was there with a black guy. Um, I went inside,  
344 just double checked. The bed wasn't messed up, the towels were  
345 still there and she'd actually left her car..or her phone  
346 charger ah, in the wall thing-a-ma-jigger so I pulled that out  
347 and that was the last time I was there. I don't know what time  
348 that was though.

349  
350 Q. Okay.

351 A. But it was dark, I know that.

352  
353 Q. The gal at the motel thought it was as late as 1:00 in the  
354 morning?

355 A. I doubt it was that late but ah, and I can't, like I'm not gonna  
356 guarantee it. I know it was during my shift. I know I was  
357 workin'.

358  
359 Q. Okay. Okay. I think your nightly pass on for that day  
360 indicated you guys had started early that day?

361 A. Okay, ah, I, I don't know that but..

362  
363 Q. I keep, ah, let me just look it up and we'll see.

364 A. sure.

365  
366 Q. That's for the 29<sup>th</sup>.

367 A. What ah, what time did you get the one on the 29<sup>th</sup> cause ah, I  
368 do remember there was a time when you asked me about startin'  
369 early.

370  
371 Q. Yeah.

- 372 A. Ah, and I, I don't remember what I told you but on the 29<sup>th</sup>,  
373 what time did you get that email cause we wouldn't have worked  
374 till 1:40 or..  
375
- 376 Q. Well, this is what you sent up the morning of the 30<sup>th</sup> which is  
377 actually one, like 1:00 in the morning in the 30<sup>th</sup> so actually  
378 need to look at the one I got from you on the 31<sup>st</sup>. And it says  
379 today we started off assisting patrol with welfare checks, yada,  
380 yada, yada, just..oh, yeah. Last night, we were leaving a bit  
381 early tonight due to a meeting with several victims in the  
382 prosecutors office in the morning. This was from Monday, the..  
383 Q. And Monday the..Monday was the 30<sup>th</sup>.  
384
- 385 Q. Right.  
386 Q. So Tuesday would have been the 31<sup>st</sup>.  
387
- 388 Q. Right, so it looks like you had meetings on the 31<sup>st</sup> cause this  
389 is for, this is your gang report for Monday, May 30<sup>th</sup>.  
390 A. Okay.  
391
- 392 Q. And that we're leaving a bit early.  
393 A. And that's why, you're, you're right cause I had to come in on  
394 the 31<sup>st</sup> which was that Tuesday, which is when I turned in the  
395 keys. I had, we had some meetings with, I think it was Troy  
396 Clements or somebody over at the prosecutor.  
397
- 398 Q. Right. And that's when I ah, when I'd asked you, I'd called  
399 you, what do you mean you're, you're leaving early and what's  
400 up, and you indicated you'd started early?  
401 A. Right.  
402
- 403 Q. Um, and I, and I thought our, our conversation was, started  
404 around 1:00?  
405 A. Okay, and that might be, you know, for whatever reason I just  
406 looked at the calendar, it's a work day but yeah, that, that  
407 could very well be the case. I do, I mean, I know I, I, I left  
408 whenever I left my house a little earlier then when I was  
409 typically gonna start cause I was going to grab that stuff at  
410 the SWAT house or whatever and so that might be the case, I  
411 don't know.  
412
- 413 Q. Yeah, when I, and I called you on the phone, you said you were,  
414 you started around one and got off close to midnight, midnight-  
415 ish?  
416 A. Right.  
417

418 Q. Yeah. You indicated that ah, her phone was out of minutes, you  
419 couldn't call it? So that indicates ah, do you have her phone  
420 number?  
421 A. No, I never got her phone number.  
422  
423 Q. Okay.  
424 A. The only number I got from her was that 728 one for Lupe.  
425  
426 Q. 728-6430?  
427 A. Yeah.  
428  
429 Q. Sound about right?  
430 A. Yep.  
431  
432 Q. Do you ah, identify her, get her name?  
433 A. No, I just remember the chick wrote Lupe on the note, the sticky  
434 note.  
435  
436 Q. Okay. Did you ever consider she might be a hooker?  
437 A. The girl?  
438  
439 Q. Yeah.  
440 A. No.  
441  
442 Q. Did she ever describe her relationship with Lupe?  
443 A. No.  
444  
445 Q. Okay. You ever seen her before that day?  
446 A. No.  
447  
448 Q. Seen her since?  
449 A. Nope.  
450  
451 Q. Did you notify dispatch or anyone else that you were picking her  
452 up?  
453 A. No.  
454  
455 Q. Or any other GET personnel or any other YPD personnel <sup>AWAKE</sup> or of any  
456 related operations at the Yakima Inn that day?  
457 A. No.  
458  
459 Q. Were there any other GET personnel or any other YPD personnel  
460 aware that you had a room at the Yakima Inn that day?  
461 A. No.  
462



463 Q. Did you send or receive any text messages or phone calls between  
464 you and that girl to arrange a meeting at the Yakima Inn?  
465 A. No.  
466  
467 Q. I told you I'm gonna ask every single question here that's a..  
468 A. Ah, that's fine, ha.  
469  
470 Q. And was there any sexual activity between you and she?  
471 A. No.  
472  
473 Q. Did you provide her with any alcohol?  
474 A. No.  
475  
476 Q. Was there any coercion or promises made to her related to your  
477 legal authority as a police officer to engage in any sexual  
478 activity?  
479 A. No, I don't think she had a clue I was a cop at any point. And  
480 that was kinda my, my angle on it is that she's gonna be an  
481 unwitting, she doesn't know who I am, setting something up  
482 unknowingly for us to bust somebody later on and, you know,  
483 without her knowing that, she, you know, or had she known  
484 obviously she wouldn't done any of that so..  
485  
486 Q. All right. The way you're describing, you hadn't come out and  
487 set a plan but the way you're describing it is she's gonna  
488 provide dope somehow, we're gonna get the guy who provides it?  
489 A. Right.  
490  
491 Q. Okay. Was there any alcohol present?  
492 A. Unless she had some in that cup, I don't know, I didn't drink it  
493 or sniff it. Ah, she was carrying a cup of somethin' but when I  
494 picked her up from the Mesa, she didn't have that with her so  
495 ah, beyond that, no.  
496  
497 Q. Okay. Describe the cup?  
498 A. It was like ah, ha, I want to call it like a Brady Bunch cup,  
499 one of the old school, you know, hard plastic smaller ones. Um,  
500 I don't, I don't know why I call it that but that's what I  
501 thought of when I saw it.  
502  
503 Q. Have you had any contact with that female regarding a report  
504 being made to the police department about the situation?  
505 A. About this situation?  
506  
507 Q. Right.

508 A. With, with the girl or with Lupe, well, for that matter, ~~None~~ of  
509 'em, no.  
510  
511 Q. Right. Have you had..had any discussions with that female about  
512 denying the situation at all during the story?  
513 A. Not at all.  
514  
515 Q. Have you had any contact at all with her since Monday, May 30<sup>th</sup>?  
516 A. No.  
517  
518 Q. Okay. You came in Tuesday on your day off, what was that about?  
519 A. I think I had ah, somethin' with the prosecutor ah, I don't,  
520 again, I don't remember but I do remember we had somethin'  
521 scheduled for that Tuesday at the prosecutors office but I don't  
522 remember what it was.  
523  
524 Q. Okay. Who all, who all was part of that?  
525 A. That was just me.  
526  
527 Q. Okay. Did you share with anyone within the police department  
528 your contact with that gal and getting the room at the motel?  
529 A. No.  
530  
531 Q. I think that's all I can think of. Do you have anything to add  
532 there, Mike?  
533 Q. Let ah, do you know the girl's name?  
534 A. No.  
535  
536 Q. Did you ever ask her name?  
537 A. She, she told me at the time obviously um, for some reason, I'm  
538 thinking Terri but I don't, I don't remember.  
539  
540 Q. Okay.  
541 A. Ah, she might have even wrote it on that note, I just remember  
542 seeing Lupe, the phone number and she might have wrote hers at  
543 the bottom of it but I don't have the note and I don't remember.  
544  
545 Q. What became of the note?  
546 A. I'm sure I just threw it away. I knew it was in my car for  
547 awhile and then just chucked it like any other piece of garbage.  
548  
549 Q. Okay. Now lis..listening to the story, I'm seeing that we had  
550 about three different opportunities that we actually saw the  
551 unnamed girl. How much total time had lapsed with this girl?

552 A. So from the time I first talked to her and picked her up in my  
553 Durango until I went back to the room the final time and  
554 actually spoke with her, maybe 35, 45 minutes total.  
555  
556 Q. 45?  
557 A. And that's with the, you know the breakup of droppin' her,  
558 waitin', comin' to pick her back up, leaving the room. Are you  
559 talking about time spent physically with her?  
560  
561 Q. Yeah, just with..yeah.  
562 A. Ah, maybe fifteen minutes.  
563  
564 Q. All right.  
565 A. Yeah, I mean, that's the total time in my car um, at, and at the  
566 hotel or at the, the motel room.  
567  
568 Q. Okay.  
569 A. 45 is the, the total time of beginning to end of the event, I  
570 think..  
571  
572 Q. Of the whole event?  
573 A. Right, but not, yeah.  
574  
575 Q. Okay.  
576 Q. How long would you say she was at the Mesa ah, from the time you  
577 dropped her off to the time you picked her back up?  
578 A. Ah, not even fifteen minutes, ten minutes maybe. Cause she said  
579 come back in ten minutes and so, yeah, probably no more then  
580 fifteen minutes.  
581  
582 Q. Okay. When's the first time you saw Morfin that day?  
583 A. I remember comin' back here and I started doin' some paperwork  
584 and I think ah, it was quite awhile, I mean, it wasn't like he  
585 came within ten, fifteen minutes. Um, I think he had shown some  
586 montages and was doing some interviews, actually on his robbery  
587 case so he was, he was just tied up doing that for awhile but I  
588 don't know timeframe-wise how long it was. But it wasn't like  
589 ten, fifteen minutes, it was, it was more like maybe an hour,  
590 hour and a half.  
591  
592 Q. When you called him, you indicated that you called him twice  
593 and, and maybe Cays, maybe not cause you realized they weren't  
594 or Taylor. Your phone log would show that, which phone did you  
595 use?  
596 A. Ah, all of it was with my work phone, actually my other phone  
597 but it was all, I never used my personal phone for any of this.

598

599 Q. Okay.

600 A. So yeah, if you looked on that, you'd be able to see um, I,  
601 cause ultimately I got the phone number for the Yakima Inn too  
602 and I, I want to say I called it from this versus the desk phone  
603 obviously um, but all of it was on that phone.

604

605 Q. Okay.

606 A. And you, yeah, cause it would also show whatever time I called  
607 the 728 number as far as timeframe-wise whether I started at  
608 three or one or whatever.

609

610 Q. Okay.

611 A. But I know I wasn't like two, three hours earlier then when we  
612 were gonna start. It wasn't like I was, you know what I mean.

613

614 Q. Right.

615 A. Like the other day when I was in here killing some time  
616 basically during the day, you know, like why are you here so  
617 early, you know, and it wasn't like that at all. This was like,  
618 I was leaving my house to come to work whatever time we had  
619 decided to start.

620

621 Q. Okay. Well, one obstacle that's gonna be difficult to overcome  
622 is ah, I believe the gal at the Yakima Inn is indicating that  
623 you and your car were there for about two hours?

624 A. Oh, absolutely not, not a chance, ha.

625

626 Q. Okay. When you did come to the station, do you remember what  
627 you did right away?

628 A. Ah, well, I remember parking here and, and you should be able to  
629 see and I don't know if our card reader will show times that I  
630 buzzed in and out or ah, in anyway.

631

632 Q. Right.

633 A. Yeah, I mean, you, you should be able to see that but there's,  
634 there's absolutely no way, I mean, the, there's no way. I was  
635 ah, I was, the longest I was at the Yakima Inn is when I was  
636 with her there and there's..

637

638 Q. Um-hum.

639 A. No way that was more then ten, fifteen minutes at the room.  
640 Beyond that, I would, I came back like I said a couple times and  
641 I was in and out not even for two or three minutes.

642

643 Q. Okay.

644 A. And that's all I was up there. And, and, and I don't know if  
645 they can find out who the, the blond chick and the black guy  
646 were next door but each time I came back there, they were there.  
647 And that's what I said, the one blond chick was like hey, are  
648 you a cop. I'm like no, you know.  
649

650 Q. So what, of the times you were there, initially to get a room?

651 A. Yep.  
652

653 Q. You, you go pick her up at the Mesa and go back to the room?

654 A. Yep.  
655

656 Q. She sends you on a, on a beer run?

657 A. Yep.  
658

659 Q. Um, you decided to bag it and go back and make an excuse you  
660 couldn't get booze so you go back there so, and then one final  
661 time during the night?

662 A. I think there were two more times during the night. One, I came  
663 back to see if she had came back or dropped the key or whatever  
664 and there was nothin', then the last time I'm like okay, I'm  
665 gonna ah, and that's when I saw the car char..or the phone  
666 charger in the wall and I grabbed it.  
667

668 Q. Okay.

669 A. And that's, that was the last one which I know is, it was  
670 nighttime compared to the other one that was all daytime.  
671

672 Q. Okay, so you went back to see if she'd come back. Now when did  
673 she leave?

674 A. I don't know. I, the, the first time I, so when I left her the  
675 last time there when I bagged the whole beer run thing, came  
676 back hey, you know, call me if you get something lined up. I  
677 came back here, straight to the office, went to my desk and  
678 that's when you should be able to see on our card..card reader  
679 when that was. Um, and then there should be, I'm pretty sure  
680 it'll be on, on this phone. I don't think I called my desk  
681 phone. I called to the Yakima Inn, that's when I started  
682 calling the room to be like see if she was still there cause  
683 then I'm like well, I don't want her sittin' in that room, you  
684 know, that I've set up with the Yakima Inn and so that's when I  
685 did, you know, the spot checks like well, she, did she leave the  
686 key, you know and um, but she never came back as far as I could  
687 tell and I don't know how long she was there, I have no idea.  
688

689 Q. Okay.

**YAKIMA POLICE DEPARTMENT  
INTERNAL INVESTIGATION**

**SUPERVISORY REVIEW/RECOMMENDATION**

Employee(s)  
1) Sgt. Erik Hildebrand

Allegation(s):  
Use of Dept Equip for Personal Reasons  
Fraud  
Furnish Liquor to a Minor

Complaint No. # CC-2011-04  
Date Sent Out 6/1/11  
Date Returned 7/25/11

**Finding Codes:**

A. Proper conduct

C. Insufficient evidence

E. Misconduct not based on original complaint

B. Improper conduct

D. Policy/Training failure

F. Unfounded

**Disposition Codes:**

A. Oral reprimand/counseling

C. Written Reprimand

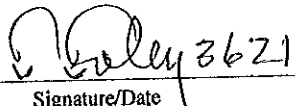

E. Demotion

G. None

B. Training

D. Suspension (Days)

F. Dismissal

<p>Supervisor comment: Lt. T. Foley Rank/Name</p> <p>See attached memo</p> <p> 3621 Signature/Date</p> <p>Date Received: 6/1/11 Date Reviewed: 7/25/11</p>	<table border="1"> <thead> <tr> <th>Employee</th> <th>Finding Code</th> <th>Dispo-Code</th> </tr> </thead> <tbody> <tr> <td>Sgt. P.E. Hildebrand</td> <td>C</td> <td>G</td> </tr> </tbody> </table>	Employee	Finding Code	Dispo-Code	Sgt. P.E. Hildebrand	C	G
Employee	Finding Code	Dispo-Code					
Sgt. P.E. Hildebrand	C	G					
<p>Supervisor comment: Capt. Rod Light Rank/Name</p> <p>See attached</p> <p>_____ Signature/Date</p> <p>Date Received: Date Reviewed:</p>	<table border="1"> <thead> <tr> <th>Employee</th> <th>Finding Code</th> <th>Dispo-Code</th> </tr> </thead> <tbody> <tr> <td>1. Sgt. P.E. Hildebrand</td> <td>B</td> <td>C</td> </tr> </tbody> </table>	Employee	Finding Code	Dispo-Code	1. Sgt. P.E. Hildebrand	B	C
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1. Sgt. P.E. Hildebrand	B	C					
<p>Supervisor comment: Chief/Greg Copeland Rank/Name</p> <p>Many discrepancies here. I have a problem with the time spent alone with the female, and concur w/ Capt. Light.</p> <p> Signature/Date</p> <p>Date Received: 8/10/11 Date Reviewed: 8/11/11</p>	<table border="1"> <thead> <tr> <th>Employee</th> <th>Finding Code</th> <th>Dispo-Code</th> </tr> </thead> <tbody> <tr> <td>1. Sgt. P.E. Hildebrand</td> <td>B</td> <td>C</td> </tr> </tbody> </table>	Employee	Finding Code	Dispo-Code	1. Sgt. P.E. Hildebrand	B	C
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1. Sgt. P.E. Hildebrand	B	C					



## Memorandum

Date: August 10, 2011

TO: Chief Copeland

FROM: Captain R. Light <sup>μ</sup>

SUBJECT: Erik Hildebrand

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I have reviewed the internal investigation submitted by Lt. Foley. The initial complaint against Sgt. Hildebrand was not sustained due to insufficient evidence. I have significant concerns regarding the totality of the circumstances and the independent decisions Sgt. Hildebrand made.

Much of the information in this investigation doesn't add up. There are disputes regarding timelines, how much time was spent together in the motel room etc.... Sgt. Hildebrand's actions and decisions could have led to very negative consequences. I believe he threw caution to the wind and didn't consider the possible things that could go wrong by engaging in this kind of activity without the knowledge of any supervisors or dispatch. It's more troubling that Sgt. Hildebrand called Officer Morfin two times to determine if he was available to assist him however during both of those calls Sgt. Hildebrand never bothered to tell Officer Morfin what in fact he was doing or where he was. The two phone calls resulted in 9 minutes of conversation. It would make sense that Sgt. Hildebrand should have made some form of official notification to dispatch or placed a call to his Lt to let him know what he was doing. He would of obviously had time to make such a call since after his contact with the female and obtaining a motel room he left by himself for a short period of time. Instead he told nobody whatsoever.

Not only did Sgt. Hildebrand meet with this female alone, he took significant steps to establish a motel room where he and the female were alone. Sgt. Hildebrand had a number of opportunities to notify his supervisor or dispatch of his activities which he knowingly failed to do. Sgt. Hildebrand demonstrated extremely poor judgment by engaging in this type of activity. There are inherent dangers in police work especially when you are attempting to arrange the purchase illegal narcotics. Sgt. Hildebrand violated our **safety policy 340.3.6 (f). Engaging in any serious or repeated violation of departmental safety standard or safe working practices.**

This type of decision making by a supervisor must be addressed with some level of corrective discipline. I recommend Sgt. Hildebrand receive a letter of reprimand. Furthermore any time a hotel or motel room is going to be secured for a police operation; it must first be approved by the next higher ranking supervisor.



# Memorandum

2/15/2011

**TO: Chief Copeland**

**FROM: Lt. T. Foley**

**SUBJECT: Hildebrand CC-11-04**

This complaint came from Patricia Ornealas, the manager of the Yakima Inn on North 1<sup>st</sup> St, after she received a complaint from Lupe Macias, who claimed to be the mother of a young woman who had been in one of the motel rooms with a Yakima Police officer. Macias complained only to Ornealas that he daughter had been to the motel with a man. Ornealas was the one who knew the man had been Hildebrand.

## Undisputed Facts:

1. Monday May 30<sup>th</sup> was an assigned work day for the Gang Enforcement Team. On that day Efrain Morfin and Erik Hildebrand were the only GET members working. Their usual assigned duty hours are 1500hrs to 0140hrs.
2. Hildebrand's nightly pass-on for Monday May 30<sup>th</sup> indicated he and his team were securing "a bit early" due to early meetings the next morning. That pass-on was sent at 0018hrs. During a phone call to me, Hildebrand also indicated his team started work at approximately 1300hrs on May 30th.
3. On that day, between 1100hrs and 1400hrs Erik Hildebrand used his Police ID to secure a free room at the Yakima Inn. He also presented his YPD business card, on which he wrote his department issued cell phone number. The Yakima Inn has a history of allowing YPD to use rooms for observation and covert operations.
4. After securing the room at the Yakima Inn, Hildebrand left for a short time. He returned in a different car, (Chevy Impala) and with a young female.
5. Hildebrand did not notify dispatch or any other YPD employee that he was conducting any operation at the Yakima Inn, or entering the motel room with anyone.
6. A Spillman dispatch report indicates Hildebrand was dispatched to his first call at 1448hrs. The same report indicates he was cleared at 1454hrs.
7. Audio recordings for dispatch do not exist for that date and there is no proof Hildebrand actually responded to the dispatch, or if he was merely logged as dispatched because his name was on the dispatch screen.
8. The next record of a dispatched call for Hildebrand was at 1829hrs.



9. Access to most of the police department buildings and parking lots is controlled and monitored by a card reader. A report of card reader activity for Hildebrand on May 30<sup>th</sup> shows his card was first used to enter the Special Operations building at 1654hrs. During his recorded interview, Hildebrand questioned the accuracy of the card reader report. A check on its accuracy showed the card reader report was exactly correct.

10. A report of department cell phone activity indicates the Hildebrand's first call of the day was to Sgt. Cortez at 1232hrs. Then there is a gap of cell phone activity for two hours and thirty minutes. Starting at 1502 hrs there is a high level of cell phone activity for the rest of the day. Aside from one other gap of thirty-nine minutes, most other calls and texts are just a couple minutes apart.

11. After the two and a half hour gap in cell phone activity, the first two calls were to Morfin and dispatch at 1502hrs and 1507hrs respectively. For the same reason no dispatch audio recordings exist, there is no recording of Hildebrand's phone call to dispatch.

12. During the time he still had access to room #35 at the Yakima Inn Hildebrand returned to the office and indicated he had lost the key. Ornealas gave him a second key to that room.

13. Throughout the night, Hildebrand made return visits to the motel room.

14. Tuesday May 31<sup>st</sup>, Hildebrand returned the second key to Ornealas.

15. Lupe Macias went to the Yakima Inn and claimed to be the mother of the young woman who had been to the motel with Hildebrand on Monday. She complained that Hildebrand had provided alcohol to the young woman, who was under drinking age.

16. Ornealas reported the situation and complaint to YPD.

#### **Disputed facts:**

1. Patricia Ornealas could not be certain precisely what time Hildebrand came to the motel and what time he returned with the young woman. Her initial report to Capt Light indicated she thought it was 1100hrs. In a later interview, she told me it was around noon or 1300hrs. Hildebrand was not certain either. During his interview, he believed it was shortly before his regular 1500hrs shift was to begin. Reminded that he had earlier claimed to have started at 1300hrs that day, he then said it would have been just short of that time.

2. Ornealas said she was absolutely certain that once Hildebrand entered the motel room with the young woman, he did not leave for approximately two hours. She watched closely and saw his car remained parked in front of the room all that time. When he did leave, he drove away with the young woman. Hildebrand said he never remained in the room for more than ten to fifteen minutes. He brought the woman there to set a drug transaction but soon aborted the operation, leaving her there alone.

3. Macias had complained to Ornealas that Hildebrand had provided alcohol to her under aged daughter. Hildebrand said he had not. He said the young woman requested some alcohol and he had considered getting alcohol. He even left the room for that reason, but aborted the operation before he obtained any alcohol. He said the girl was drinking from a

cup when he picked her up. It might have been alcohol. He said she did not appear intoxicated when he left her.

4. Ornealas said the bed in the motel room appeared used, as if someone had slept in it, more than just sat on the bed. Hildebrand said the bed was never used and was still made when he last checked the room, late that evening.

#### **The Investigation:**

After receiving this complaint from Capt. Light, I attempted to identify the young woman. I called Lupe Macias who had claimed to be the girl's mother. I discovered that Macias was not girl's mother but merely allowed her to stay Macias's apartment from time to time. She did not know the girl's real name, referring to her only as "Baby Girl". She said Baby Girl was eighteen years old. She had not seen Baby Girl since Tuesday May 31<sup>st</sup>.

Macias was much less than cooperative. She refused to provide me with any other contact info for Baby Girl and refused to relay any messages to her. Subsequent calls to Macias found her less and less cooperative. She hung up on me once and at the end, finally directed me not to call her again.

I made other attempts to identify Baby Girl, querying Pro-Act members with the street name and general description. They provided a couple names. Chasing those leads came to a dead end. I never did identify the young woman who had been to the Yakima Inn with Hildebrand.

I interviewed Erik Hildebrand on June 17<sup>th</sup>. Mike Kryger was his YPPA representative. Hildebrand said that on Monday May 30<sup>th</sup> he left home early to go to work. He had to get his wallet, which he thought was at the SWAT house. Once he got to the SWAT house, he discovered that he did not have his keys to the building. So, he drove to YPD, travelling east on Fruitvale. Near 6<sup>th</sup> Ave he spotted a young woman. Although she was carrying a cup, typical for prostitutes, he thought she was too pretty to me a hooker. He did not stop.

He drove to YPD, obtained his SWAT keys and drove back toward the SWAT house. He spotted the same young woman on N. 1<sup>st</sup> St. near the Bali Hai Motel. He also saw a car circling the area, as if to attempt to pick up the girl. Hildebrand stopped to offer assistance.

Hildebrand asked the girl if she needed a ride. The girl accepted, but repeatedly assured Hildebrand that she was not a prostitute. In his interview, Hildebrand said he believed the girl was not a prostitute.

Once the girl got into his car, the girl repeated that she was not a prostitute but liked to do drugs. She indicated that she might be able to obtain some drugs for them. She directed Hildebrand to the All Star motel, but as soon as they arrived, she changed her mind and wanted to go to another friend's house for something to eat. She asked for a ride to the Mesa Apartments. When he dropped her off, the girl still wanted to get some drugs and told Hildebrand to call her back in about ten minutes. She wrote down a cell phone number of a post it note.

Once he dropped the girl at the Mesa Apartments, Hildebrand hurried the Yakima Inn and was able to get a room for free. He then drove back to YPD and changed cars. The Dodge

Durango he was in had visible police equipment and he wanted something a little more discrete. He changed to the Impala and called Morfin to see if he was available for an operation. Morfin was busy with a robbery investigation and not available to assist Hildebrand. He did not tell Morfin about the girl or the motel.

Once he changed cars, Hildebrand returned to the area of the Mesa Apartments. He dialed the cell phone number and it was answered by another woman. She eventually put the girl on the phone with Hildebrand. The girl agreed to go with Hildebrand and attempt to get some drugs. The girl came out to his car.

Hildebrand drove the girl to room #35 at the Yakima Inn where she was supposed to arrange to obtain some drugs. Right away, the girl also wanted some alcohol. Since it was a holiday and liquor stores were closed, Hildebrand agreed to go for some beer.

Hildebrand left the girl in the motel room, on the pretext that he was going to get some beer. He called Morfin again, but Morfin was still busy. Because he did not have any back up, Hildebrand decided to abort the whole thing. He returned the room and told the girl he was not able to get any beer because he didn't have his ID on him. He made some excuse to leave. The girl agreed to try to get some drugs and told Hildebrand she would call him if she was successful.

That was the last time Hildebrand saw or heard from the girl. He returned to the room a couple times throughout the day to see if she was still there. She never was. The last time he checked, the room was locked and he had to get a second key. He found the room empty and tidy. He found only the girl's cell phone charger. He took the charger.

Hildebrand said the girl had written her name and cell number on a post-it note, which remained in his car for a while. He eventually threw it away. He could not remember the girl's name, but thought it was something like Terri.

After his interview, it appeared the best verification of Hildebrand's movements/activities would be card reader records and cell phone records. He had said he had gone to YPD at least twice after first spotting the girl on Fruitvale and had called Morfin twice just before and shortly after obtaining the room at the Yakima Inn. He said he last saw the girl just after his second call to Morfin.

I requested a cell phone record for Hildebrand and found two calls to Efrain Morfin, at 1502hrs and 1648hrs. This is a time gap of an hour and forty-six minutes between the calls to Morfin.

I contacted the city maintenance supervisor and obtained a card reader report for May 30<sup>th</sup>. It showed the first use of Hildebrand's access card was at 1654hrs.

I went to the Yakima Inn and re-interviewed Patricia Ornealas. During that interview, she told me that Hildebrand first arrived at the motel around noon or 1300hrs, in an SUV and obtained room #35. Ornealas chose that room because it had a view to the rear area of the motel and Ornealas could see that room from the office.

Hildebrand returned a while later, this time with a tall, thin young woman with dark hair. He was driving an Impala and parked directly in front of room #35. Ornealas did not recognize

the young woman from the streets and has not seen her since that day. The girl went into the room with Hildebrand. The curtains remained closed and the two remained in the room for about two hours, after which Hildebrand drove the young woman from the motel.

I asked Ornealas how she would be certain Hildebrand remained in the room all that time. She said she kept a close watch. She had expected Hildebrand and the woman were both cops and going to arrest the blonde woman and black male in the adjacent room. She kept watching for that to happen. She could see the curtains remained drawn and the car didn't move for about two hours.

### **Conclusion:**

Although the length of time Hildebrand spent in the motel room is in dispute, it is not the central issue of this complaint. The central issue is whether or not Hildebrand used his police credentials to obtain the room for personal reasons, i.e., a sexual rendezvous with the young woman and whether he provided alcohol to the minor female. His own statement was that he spent no more than ten or fifteen minutes at a time in the room as he attempted to set up a drug transaction. Ornealas' version would have Hildebrand in the room with the female for nearly two hours, which would seem to indicate that a sexual liaison was more likely.

The two and half hour gap in Hildebrand's cell phone activity and the fact that he never used his personal access card at the station until 1645hrs might also indicate that Ornealas' recollection was more accurate. I believe the phone records and access card report would indicate that Hildebrand was at the motel much longer than he reported during his recorded interview. I also believe those records would appear to confirm the two hours reported by Ornealas.

However, none of those records can dispel Hildebrand's claim that he obtained the room and brought the girl there in an attempt to obtain drugs. Attempting such a transaction might also take two hours.

I have not been able to locate or identify the young woman for an interview. I cannot offer any proof that Hildebrand provided any alcohol or engaged in any other activity in the motel room. Aside from the time frame he provided, there is nothing to dispute his reason for obtaining the room and what did or did not occur there. I find the totality of the situation highly suspicious but not sufficiently proved to justify a finding of improper conduct.

Moreover, if Hildebrand's account of his activity and his reason for obtaining the motel room are true, his actions were incredibly stupid, especially for a police supervisor. According to his own statement, Hildebrand, using a YPD police car, twice picked up an unknown woman on the street, gave her a ride to a motel, used his police ID to secure a room, entered the room with her and attempted to get her to buy drugs. Despite the fact that he had a department issued cell phone and was alone several times, he never notified anyone of his activities. According to his own statement he twice spoke to his subordinate officer during this "operation" and still didn't tell the officer what he was doing. Even if his account of the situation was completely true, his failure to make appropriate notification invited this type of complaint.

6/27/11 requested a digital copy of the phone records so it would be easier to sort for a time line. Immediately received electronic for the past month.

6/27/11 after sorting the electronic phone bill by number dialed, located a text from Hilde to Macias' phone on 6/9/11 same day that response request was given to Hilde. Discussed it with Light. Recommended having Robinson run forensic on Hilde's phone for text messages, in case it was deleted.

Called Nichole Delp. Said Hilde got a new cell phone on 6/7/11. Old phone and sim card destroyed. Will never be able to view or recover any message to/from that phone. Phone bill report only, which covers old and new phone (same number).

6/27/11 took Hilde's cell phone. Told him his phone bill indicated a text to Macias on 6/9/11. Hilde said that was not possible. Robinson pulled a record of all saved text messages. Could not recover deleted texts. Returned phone to Hilde.

6/28/11, morning phone call from Hilde. Said he was confused about the text message to Macias' number, certain he made no contact with any involved parties. Last night he searched his text messages and found that text still in his phone. Said it was Lupe Macias in regard to a gang shooting, attempting to have her encourage a victim to id his shooter. He had no idea that Lupe was the same Lupe and 728 number for the girl on 1<sup>st</sup> Str. Told Hilde I needed another statement from him. He agreed to give statement that afternoon.

Located that very text message on the report from Robinson, just as Hilde had described it.

24 [REDACTED] N/A 09/06/11 12:12:56 (GMT-8) Sent Outbox Phone Outgoing Hey this is erik hildebrand with the gang unit. [REDACTED]

Called the cell number [REDACTED] which belongs to [REDACTED] from which [REDACTED] had texted [REDACTED] 6/3/11. Spoke with [REDACTED]. Said he saw [REDACTED] about 3 or 4 days ago. She has been staying with [REDACTED] at a house near [REDACTED]. [REDACTED] gave me cell number [REDACTED] for [REDACTED].

Called [REDACTED] ([REDACTED]) straight to voice mail, but mail box full not accepting new messages.

6/28/11 Asked Chris O'Neal for a spillman report, similar to the old "calls by date". I was looking for any calls involving Hildebrand that day, hopefully to show what time he was on the job. Chris was able to create a report. It showed Hildebrand was dispatched as a back up to a suicidal subject at 1448hrs. The time indicated he was possibly called off before arriving to that call.